

PATENT COOPERATION TREATY

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REC'D 24 MAY 2004

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

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(PCT Article 36 and Rule 70)


(Rationalised Report according to the Notice of the President of the EPO published in the OJ11/2001)

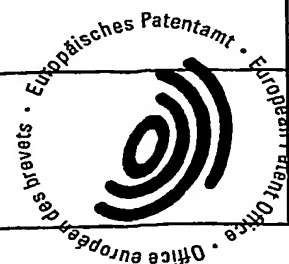
Applicant's or agent's file reference 7865-71 MIS	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/CA03/00923	International filing date (day/month/year) 19/06/2003	Priority date (day/month/year) 21/06/2002
International Patent Classification (IPC) or national classification and IPC A23J1/14		
Applicant BURCON NUTRASCIENCE (MB) CORP. et al		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
2. This **REPORT** consists of a total of 2 sheets, including this cover sheet.
- ☐ This report is also accompanied by **ANNEXES**, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consists of a total of _____ sheets.

3. This report contains indications relating to the following items:
- I ☒ Basis of the report
 - II ☐ Priority
 - III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
 - IV ☐ Lack of unity of invention
 - V ☒ Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
 - VI ☐ Certain documents cited
 - VII ☐ Certain defects in the international application
 - VIII ☐ Certain observations on the international application

Date of submission of the demand 19/01/2004	Date of completion of this report 12/05/2004
Name and mailing address of the IPEA/  European Patent Office, P.B. 5818 Patentlaan 2 NL-2280 HV Rijswijk - Netherlands Tel.: (+31-70) 340-2040 Fax: (+31-70) 340-3016	Authorized officer KASPERS H M C Tel. (+49-89) 2399 2828



**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT**

International application No. PCT/CA03/00923

I. Basis of the report

The basis of this international preliminary examination is the application as originally filed.

V. Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability

In light of the documents cited in the international search report, it is considered that the invention as defined in at least some of the claims does not appear to meet the criteria mentioned in Article 33(1) PCT, i.e. does not appear to be novel and/or to involve an inventive step (see international search report, in particular the documents cited X and/or Y and corresponding claim references).

INTERNATIONAL SEARCH REPORT

International Application No

PCT/CA 03/00923

A. CLASSIFICATION OF SUBJECT MATTER

IPC 7 A23J1/14

According to International Patent Classification (IPC) or to both national classification and IPC

B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)

IPC 7 A23J

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practical, search terms used)

EPO-Internal, WPI Data, FSTA, PAJ

C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
Y	US 6 005 076 A (MURRAY EDWARD D) 21 December 1999 (1999-12-21) cited in the application the whole document	1-50
Y	US 5 844 086 A (MURRAY EDWARD DONALD) 1 December 1998 (1998-12-01) cited in the application the whole document	1-50
	-/--	

☒ Further documents are listed in the continuation of box C.☒ Patent family members are listed in annex.

* Special categories of cited documents:

A document defining the general state of the art which is not considered to be of particular relevance

E earlier document but published on or after the international filing date

L document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)

O document referring to an oral disclosure, use, exhibition or other means

P document published prior to the international filing date but later than the priority date claimed

T later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention

X document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone

Y document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art.

& document member of the same patent family

Date of the actual completion of the international search

30 September 2003

Date of mailing of the international search report

16/10/2003

Name and mailing address of the ISA

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INTERNATIONAL SEARCH REPORT

International Application No

PCT/CA 03/00923

C.(Continuation) DOCUMENTS CONSIDERED TO BE RELEVANT

Category °	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
Y	ROSSI M ET AL: "Production of a food-grade protein meal from defatted sunflower. I. Effects of an industrial extraction process on quality of protein." LEBENSMITTEL-WISSENSCHAFT UND -TECHNOLOGIE 1982 ISTITUTO DI TECNOLOGIE ALIMENTARI, UNIV. DEGLI STUDI DI MILANO, VIA CELORIA 2, 20133, MILAN, ITALY, vol. 15, no. 5, pages 309-312, XP008022630 the whole document	1-50
Y	STAHl E ET AL: "Extraction of seed oils with supercritical carbon dioxide: effect on residual proteins." JOURNAL OF AGRICULTURAL AND FOOD CHEMISTRY 1984 DEP. OF PHARMACOGNOSY & ANALYTICAL PHYTOCHEM., UNIV. OF SAARLAND, D-6600 SAARBRÜCKEN, FEDERAL REPUBLIC OF GERMANY, vol. 32, no. 4, pages 938-940, XP002256126 the whole document	1
Y	US 3 966 981 A (SCHULTZ WILLIAM G) 29 June 1976 (1976-06-29) the whole document	1
A	LAWHON J T: "Processing methods to preserve quality and colour of cottonseed flakes." JOURNAL OF THE AMERICAN OIL CHEMISTS' SOCIETY 1969 OILSEED PRODUCTS RES. CENTER, A & M UNIV., COLL. STA., TEXAS 77840, USA, vol. 46, no. 7, pages 380-383, XP008022632 page 380 page 382 -page 383	1,49,50
A	MILLIGAN E D ET AL: "Processing for production of edible soya flour" JOURNAL OF THE AMERICAN OIL CHEMISTS' SOCIETY, AMERICAN OIL CHEMISTS' SOCIETY. CHAMPAIGN, US, vol. 58, no. 3, March 1981 (1981-03), pages 331-333, XP002230226 ISSN: 0003-021X page 332 -page 333, column 1	1,49,50

INTERNATIONAL SEARCH REPORT
Information on patent family members

International Application No

PCT/CA 03/00923

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